



NATIONAL GUARD BUREAU

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NGB-J1-TN

11 December 2008

MEMORANDUM FOR THE HUMAN RESOURCES OFFICERS OF ALL STATES,
PUERTO RICO, THE VIRGIN ISLANDS, GUAM AND THE DISTRICT OF COLUMBIA

SUBJECT: Clarification of the Grade Inversion Policy within Regulations (TN-08-28)

1. TPR 303 prescribes policies, procedures, and responsibilities governing Army and Air National Guard military (dual status) technician compatibility. Compatibility is defined as the condition in which the duties and responsibilities of a dual status technician's full-time civilian position is substantially equivalent to the duties and responsibilities of the technician's military assignment (MTOE/TDA/UMDA). The purpose of this memorandum is to clarify the grade inversion policy stated in the regulation.
2. Because of the National Guard's unique statutory requirement for a dual status system, an individual selected within the Technician program for a position requiring supervisory duties must be senior or equal in military rank to those he or she supervises. Unit of assignment or service component of the individual does not change this requirement.
3. A supervisor is the individual who directly supervises a technician in his or her full-time position. Congress' and the Office of Personnel Management (OPM) or traditional labor-relations' definitions of a supervisor best define the word supervisor.
4. Congress has defined a supervisor as "an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment".
5. Recently, several questions have arisen regarding concerns on whether Work/Wage Leaders are properly placed within the grade inversion policy. The Position Description identifies the work/wage leader position as neither managerial nor supervisory.
6. There are instances in which the best qualified candidates for Work/Wage Leader positions based on the standpoint of knowledge, skill, and abilities did not hold the military rank required to meet previously imposed grade restrictions. In these instances, the potentially best-qualified candidates may be precluded from consideration or selection for Work/Wage Leader positions which may have resulted in impaired mission effectiveness.

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7. In other instances, the work units that have Work/Wage Leader positions in it are made of equally ranked individuals from different units, such as a MATES or CSMS. Applying grade inversion standards to the Work/Wage Leader positions in those instances may result in the individuals, assigned to different military units from the Work/Wage Leader, denied military promotion in their units.

8. The Work/Wage Leader position does not meet the Congress/OPM definition of a supervisor. Therefore, the portions of TPR 303, which require the application of military grade inversion requirements to any position that has direct supervision over subordinate personnel, do not apply to a Work/Wage Leader Position.



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